

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**FRANK CHARLES MOORE,**

**Petitioner,**

**VS.**

**BILLY MCCLUNG,**

**Respondent.**

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**NO. 5:11-CV-155 (MTT)**

**Proceedings Under 28 U.S.C. §2254  
Before the U.S. Magistrate Judge**

**ORDER**

Before the Court is Motion to Intervene in which Georgia Department of Corrections Commissioner Brian Owens requests leave to intervene as the party respondent in the above-captioned action. Doc. 13. In support, Commissioner Owens correctly notes that, as Commissioner of the Georgia Department of Corrections, he is the chief officer in charge of state penal institutions in Georgia and, therefore, is the “state officer” having custody of Petitioner. Accordingly, Commissioner Owens’ Motion to Intervene is **GRANTED** and he shall be substituted as the party respondent and all notices, orders, etc. shall hereafter be served upon his counsel.

**SO ORDERED**, this 28<sup>th</sup> day of June, 2011.

s/ Charles H. Weigle  
Charles H. Weigle  
United States Magistrate Judge